## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

| ORANGE BEACON MARKETING, LLC,  | )                                  |
|--------------------------------|------------------------------------|
| Plaintiff,                     | )<br>)                             |
| V.                             | ) CIVIL ACTION NO. SA-22-CA-570-FB |
| OUTSTANDING REAL ESTATE        | )                                  |
| SOLUTIONS, INC.; and FWE, LLC, | )                                  |
|                                | )                                  |
| Defendants.                    |                                    |

## ORDER ACCEPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Before the Court is the Report and Recommendation of United States Magistrate Judge (docket no. 18), filed on May 5, 2023. The report concerns Plaintiff's Motion for Summary Judgment (docket no. 16), which the Magistrate Judge construed as a motion for default judgment. The recommendation is that Plaintiff's motion be granted but entry of final default judgment be withheld until Plaintiff provides sufficient evidence of the amount of damages. To date, no objections to the Report and Recommendation have been received.<sup>1</sup>

Because no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). The Court has reviewed the Report and Recommendation and finds its reasoning to be neither clearly erroneous nor contrary to law. *United States v. Wilson,* 864 F.2d 1219, 1221 (5th Cir.), *cert. denied,* 492 U.S. 918 (1989).

Any party who desires to object to a Magistrate's findings and recommendations must serve and file his, her or its written objections within fourteen days after being served with a copy of the findings and recommendation. 28 U.S.C. § 635(b)(1). If service upon a party is made by mailing a copy to the party's last known address, "service is complete upon mailing." FED. R. CIV. P. 5(b)(2)(C). If service is by electronic means, "service is complete upon transmission." *Id.* at (E).

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge (docket no. 18) is ACCEPTED pursuant to 28 U.S.C. § 636(b)(1) such that Plaintiff's Motion for Summary Judgment (docket no. 16), construed as a motion for default judgment, is GRANTED but final judgment shall be withheld until after the Magistrate Judge issues an additional report and recommendation on the amount of Plaintiff's damages.

It is so ORDERED.

SIGNED this 23rd day of May, 2023.

**ERED BIERY** 

UNITED STATES DISTRICT JUDGE